

Honorable Tiffany M. Cartwright

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM NELSON,

Petitioner,

vs.

MARY MADDEN, CLERK OF THE  
COURT, IN HER OFFICIAL AND  
INDIVIDUAL CAPACITIES, KAYLA  
AYERS, ADA COORDINATOR, IN HER  
OFFICIAL CAPACITIES COMMISSIONER  
CLINT P. JOHNSON, PIERCE COUNTY  
SUPERIOR COURT, IN HIS OFFICIAL  
AND INDIVIDUAL CAPACITIES,  
HONORABLE SUSAN ADAMS, PIERCE  
COUNTY SUPERIOR COURT PRESIDING  
JUDGE, IN HER OFFICIAL AND  
INDIVIDUAL CAPACITIES,

Respondents.

NO. 3:25-cv-05490-TMC

PIERCE COUNTY DEFENDANTS' REPLY  
IN SUPPORT OF ITS MOTION TO  
DISMISS PURSUANT TO FRCP 12(b)(6)

NOTED DATE FOR CONSIDERATION:  
TUESDAY, SEPTEMBER 2, 2025

**I. INTRODUCTION**

COMES NOW Defendants Mary Madden, Kayla Ayers, Clint P. Johnson, Susan Adams, and Pierce County by and through their attorneys of record, Pierce County Prosecuting Attorney Mary Robnett and Deputy Prosecuting Attorney Elizabeth Dasse, and submits the following reply in support of their Motion to Dismiss pursuant to CR 12(b)(6) and requesting dismissal of

1 Plaintiff's Complaint on the grounds the Complaint fails to state a claim upon which relief can be  
2 granted.

## 3 II. ARGUMENT

4 On August 8, 2025, the Defendants filed a motion to dismiss pursuant to CR 12(b)(6).  
5 There has been no response received by the Defendant to date, and nothing filed into the Court  
6 record.

7 Except for motions for summary judgment, if a party fails to file papers in opposition to a  
8 motion, such failure may be considered by the court as an admission that the motion has merit.  
9 WA R USDCTWD LCR 7(2). "Although we construe pleadings liberally in their favor, pro se  
10 litigants are bound by the rules of procedure." *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir.,1987).

11 Plaintiff has failed to state a claim as to how Defendants are liable for his alleged injuries.  
12 Both the filed complaint and the lack of response to Defendant's motion to dismiss demonstrate  
13 the absence of a genuine issue of material fact. Therefore, Defendant's motion to dismiss under  
14 12(b)(6) should be granted.

## 15 III. CONCLUSION

16 Defendant respectfully requests the Court grant Defendant's motion to dismiss filed on  
17 August 8, 2025.

18 I certify that this memorandum contains 491 words, in compliance with the Local Civil  
19 Rules.

20 DATED this 2 day of September, 2025.

21 MARY E. ROBNETT  
22 Pierce County Prosecuting Attorney

23 s/ ELIZABETH DASSE  
24 ELIZABETH DASSE, WSBA # 51082  
Deputy Prosecuting Attorney / Civil  
930 Tacoma Avenue South, Suite 946

Tacoma, WA 98402-2102  
Ph: 253-798-7318 / Fax: 253-798-6713  
elizabeth.dasse@piercecountywa.gov

**CERTIFICATE OF SERVICE**

On September 2<sup>nd</sup>, 2025, I hereby certify that I electronically filed the foregoing PIERCE COUNTY DEFENDANTS' REPLY IN SUPPORT OF ITS MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) with the Clerk of the Court and I delivered a true and accurate copy to the USPS, certified mail/return receipt requested, postage prepaid, with appropriate instruction to forward the same to Plaintiff Pro Se as follows:

WILLIAM NELSON, Pro Se Plaintiff  
1523 132<sup>nd</sup> Street SE, Suite C418  
Everett, Washington 98208  
william@seattleseahawks.me  
athena@seattleseahawks.me

s/ ELIZABETH BURLINGAME  
ELIZABETH BURLINGAME  
Legal Assistant  
Pierce County Prosecutor's Office / Civil  
930 Tacoma Avenue South, Suite 946,  
Tacoma, WA 98402-2102  
Ph: 253-798-6082 / Fax: 253-798-6713  
elizabeth.burlingame@piercecountywa.gov